

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

COMMERCE AND INDUSTRY INSURANCE  
COMPANY and AMERICAN INTERNATIONAL  
SPECIALTY LINES INSURANCE COMPANY,

Plaintiffs,  
-against-

U.S. BANK NATIONAL ASSOCIATION, AS  
INDENTURE TRUSTEE FOR THE REGISTERED  
HOLDERS OF FMAC LOAN RECEIVABLES  
TRUSTS 1997-B, 1998-B, 1998-C, 1998-D AND  
2000-A,

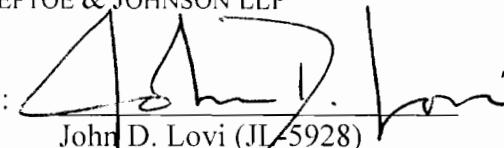
Defendant.

1:07-CV-5731 (JGK)(RLE)

**NOTICE OF MOTION TO ADMIT  
SCOTT L. DAVIS PRO HAC VICE**

PLEASE TAKE NOTICE that upon the annexed Declaration of John D. Lovi, Esq., sworn to on January 3, 2008, in support of this motion and the Certificate of Good Standing annexed thereto, plaintiffs Commerce and Industry Insurance Company and American International Specialty Lines Insurance Company will move this Court, before the Honorable John G. Koelzl, at the United States Courthouse for the Southern District of New York, pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, for an Order allowing the admission of Scott L. Davis, an attorney with the firm of Gardere Wynne Sewell LLP, as attorney *pro hac vice* for plaintiffs Commerce and Industry Insurance Company and American International Specialty Lines Insurance Company in the above-captioned case.

Dated: New York, New York  
January 3, 2008

STEPTOE & JOHNSON LLP  
By:   
John D. Lovi (JL-5928)  
750 Seventh Avenue, 19th Floor  
New York, New York 10019  
(212) 506-3900

*Attorneys for Plaintiffs/Counterclaim Defendants  
American International Specialty Lines Insurance  
Company and Commerce & Industry Insurance  
Company*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

COMMERCE AND INDUSTRY INSURANCE COMPANY and AMERICAN INTERNATIONAL SPECIALTY LINES INSURANCE COMPANY,

Plaintiffs,

-against-

U.S. BANK NATIONAL ASSOCIATION, AS INDENTURE TRUSTEE FOR THE REGISTERED HOLDERS OF FMAC LOAN RECEIVABLES TRUSTS 1997-B, 1998-B, 1998-C, 1998-D AND 2000-A,

Defendant.

1:07-CV-5731 (JGK)(RLE)

**DECLARATION OF JOHN D. LOVI  
IN SUPPORT OF MOTION TO  
ADMIT COUNSEL PRO HAC VICE**

JOHN D. LOVI states as follows:

1. I am a member of the Bar of this Court and the firm of Steptoe & Johnson LLP, counsel for plaintiffs Commerce and Industry Insurance Company and American International Specialty Lines Insurance Company in the above-captioned case. I make this declaration in support of the motion of plaintiffs Commerce and Industry Insurance Company and American International Specialty Lines Insurance Company for the admission of Scott L. Davis, Esq. to practice *pro hac vice* as counsel for plaintiffs Commerce and Industry Insurance Company and American International Specialty Lines Insurance Company in the above-captioned case.

2. Mr. Davis is an attorney at Gardere Wynne Sewell LLP in Dallas, Texas. Mr. Davis is a member in good standing with the State Bar of Texas. (A certified copy of Mr. Davis's certificate of good standing with the State Bar of Texas is annexed hereto as Exhibit A).

3. I have known Scott L. Davis since 2005. I have found Mr. Davis to be a person of integrity and good character. He is an experienced attorney and has advised me that he is familiar with the Federal Rules of Civil Procedure and with the Local Rules of this Court.

4. There are no pending disciplinary proceedings against Mr. Davis in any State or Federal Court.

5. Wherefore, I respectfully request that Scott L. Davis, Esq., be admitted to practice *pro hac vice* as counsel for plaintiffs Commerce and Industry Insurance Company and American International Specialty Lines Insurance Company in the above-captioned case.

6. Pursuant to 28 U.S.C.A. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
January 3, 2008

  
John D. Lovi

# STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

December 11, 2007

Re: Scott Louis Davis, State Bar Number 05547030

To Whom It May Concern:

This is to certify that Mr. Scott Louis Davis was licensed to practice law in Texas on November 6, 1987, and is an active member in good standing with the State Bar of Texas. "Good standing" means that the attorney is current on payment of Bar dues and attorney occupation tax; has met Minimum Continuing Legal Education requirements; and is not presently under either administrative or disciplinary suspension.

No previous disciplinary sanctions have been entered against Mr. Davis' law license.

Sincerely,

A handwritten signature of John A. Neal.  
John A. Neal  
Chief Disciplinary Counsel

JN/ss



**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

COMMERCE AND INDUSTRY INSURANCE COMPANY and AMERICAN INTERNATIONAL SPECIALTY LINES INSURANCE COMPANY,

Plaintiffs,

-against-

U.S. BANK NATIONAL ASSOCIATION, AS  
INDENTURE TRUSTEE FOR THE REGISTERED  
HOLDERS OF FMAC LOAN RECEIVABLES  
TRUSTS 1997-B, 1998-B, 1998-C, 1998-D AND  
2000-A,

Defendant.

1:07-CV-5731 (JGK)(RLE)

**ORDER**

IT IS HEREBY ORDERED THAT the motion for admission *pro hac vice* in the above-captioned matter is granted. The admitted attorney, Scott L. Davis, Esq., is permitted to argue or try this particular case in whole or in part as counsel or advocate for plaintiffs Commerce and Industry Insurance Company and American International Specialty Lines Insurance Company.

An attorney admitted to practice *pro hac vice* is required to pay a \$25.00 per attorney admission fee and present this Order to the intake deputy clerk in the Clerk's Office. When paying by mail, return a copy of this Order to the Clerk's Office with the required fee.

This Order confirms your appearance as counsel in this case, and it will be entered on the Court's docket. A notation of your admission *pro hac vice* for the above-listed case will be made on the roll of attorneys.

The attorney admitted *pro hac vice* must serve a copy of this Order on all other counsel in this case.

Dated: January \_\_, 2008

S O O R D E R E D:

---

John G. Koeltl, U. S. D. J.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

COMMERCE AND INDUSTRY INSURANCE  
COMPANY and AMERICAN INTERNATIONAL  
SPECIALTY LINES INSURANCE COMPANY,

Plaintiffs,

06 CV 5731 (JGK)(RLE)

vs.

U.S. BANK NATIONAL ASSOCIATION, AS  
INDENTURE TRUSTEE FOR THE REGISTERED  
HOLDERS OF FMAC LOAN RECEIVABLES TRUSTS  
1997-B, 1998-B, 1998-C, 1998-D AND 2000-A,

Defendants.

**AFFIDAVIT OF SERVICE**

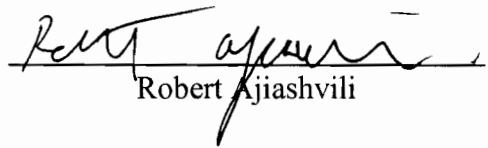
State of New York        )  
                            )  
                            ) ss.:  
County of New York)     )

Robert Ajiashvili, being duly sworn, deposes and says:

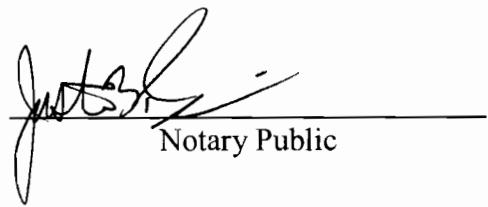
1. I am over the age of eighteen (18) years and am not a party to this action. I reside in New York, New York.

2. On January 4, 2008, I served a true and correct copy of (i) Notice of Motion, dated January 3, 2008; (ii) Declaration of John D. Lovi in Support of Motion to Admit Scott L. Davis Pro Hac Vice, dated January 3, 2008; and (iii) Proposed Order upon the parties listed below by First-Class United States Mail:

Charles E. Dorkey, III, Esq.  
McKenna Long & Aldridge  
30 Park Avenue  
New York, NY 10169

  
Robert Ajashvili

Sworn to before me on January 4, 2008

  
\_\_\_\_\_  
Notary Public

JUSTIN B. PERRI  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02PE6134281  
Qualified in New York County  
My Commission Expires September 26, 2009

State of New York  
County of New York  
Sworn to before me this  
4<sup>th</sup> day of January, 2008